

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 33-1SS

SECTION#: 27

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~TECHNOLOGY REVIEW. The Department of Health shall seek approval of the state Chief Information Officer and the review and advice of the Joint Committee on Advanced Communications and Information Technology and the Chief Information Officer Council prior to entering into any technology contract or technology project regarding the appropriation for Information Technology Initiatives.~~

~~——— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

Request deletion of language.

CONTINUE CURRENT LANGUAGE WITH APPROPRIATE DATE CHANGES

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, any unexpended funds collected ~~under this appropriation~~ for Radiation Control and ~~Emergency Management~~ as certified by the Chief Fiscal Officer of the State which remain at the end of the fiscal year, shall be carried forward and made available for the same purposes for the following fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

CARRY FORWARD OF GRANT FUNDS. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is hereby authorized to transfer all unexpended grant funds, excluding any general revenue grant funds not specifically authorized elsewhere by law, as certified by the Chief Fiscal Officer of the State, as provided in this Act on June 30, ~~2003~~ 2005, to be carried forward and made available for expenditures for the same purpose for the fiscal years ending June 30, ~~2004~~ 2006 and June 30, ~~2005~~ 2007.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PATIENT CARE PROVIDERS- COMPENSATION, REQUIRED WITHHOLDING, FRINGE BENEFITS. The Arkansas Department of Health, at its discretion, is authorized to contract with intermittent Patient Care Providers in order to provide services in the home. For all purposes, these Patient Care Providers shall be considered independent contractors. The Department is authorized to pay compensation which may include state withholding, federal withholding, required matching, and other fringe benefits to contract Patient Care Providers. However, compensation shall not include state retirement or health benefits. The compensation shall be ~~made from the appropriation for~~ expensed as Professional Fees and Services, ~~notwithstanding the provisions of Ark. Code Ann. 19-4-1702.~~

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

EXTRA SALARIES. The Department of Health is hereby authorized to pay from State or Federal funds appropriated herein, extra salaries in addition to the maximum annual amount provided in the Regular Salaries Section of this Act for a maximum of twenty (20) medical doctors who are certified by the American Specialty Boards, but not to exceed \$4,500 per medical doctor for each fiscal year. The Director of the Department of Health shall also be eligible for extra salaries as established herein.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY HEALTH UNIT ADMINISTRATORS. Any employee serving in the capacity of County Health Unit Administrator shall be eligible for up to ten percent (10%) of additional compensation within the grade during the period of time in which said employee occupies the position. Employees on the highest level of their grade shall be eligible for additional compensation in an amount not to exceed five and one half percent (5.5%) of their current salary upon assuming responsibility, and this amount shall not be construed as exceeding the line item maximum for the grade for that position. The Health Department shall certify to the Chief Fiscal Officer the assignment of duties of each employee in this position, the length of such assignment, and the location and reason for the assignment. The Chief Fiscal Officer shall approve the request prior to the awarding of additional compensation.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL RATES OF PAY. Due to the highly competitive job market conditions for health care professionals, the need for competent health care throughout the State, and the necessity of recruiting and retaining qualified personnel, the Arkansas Department of Health is authorized to request special rates of pay for current and new employees up to the levels listed below for the following classifications only:

CLASS

CODE	TITLE	GRADE	BAND
R056	Hlth Pub Hlth Prog Administrator	23	IV
R055	Hlth Pub Hlth Nursing Prog Coordin.	22	IV
L082	Nsg Svcs Spec	21	IV
L074	RN Pract II	22	IV
L072	RN Pract I	21	IV
L156	Pub Hlth Nur II	20	IV
L154	Pub Hlth Nur I	18	IV
L034	Home Hlth Nur II	20	IV
L033	Home Hlth Nur I	18	IV
L049	Lic Prac Nur II	14	IV
L047	Lic Prac Nur I	13	IV
L078	Nurse Supervisor	22	IV
L070	Nurse II	20	IV
L117	LPTN Supervisor	17	IV
L115	<u>LPN II/LPTN II</u>	15	IV

DISCONTINUE LANGUAGE

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EXECUTIVE RECOMMENDATION

L113	<u>LPN I/LPTN I</u>	14	IV
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The Department of Finance and Administration's Office of Personnel Management will, upon written request, review and, if justified, submit requests from the Department of Health for special rates of pay up to Level IV to the Chief Fiscal Officer for approval after prior review by the Arkansas Legislative Council.

This special provision shall be in full force and effect for the biennium beginning July 1, ~~2003~~ 2005, and ending June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS – IN HOME SERVICES ~~HOME HEALTH~~. The Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the ~~Home Health Services~~ IN Home Services program that pertain to reimbursement, as certified by the Chief Fiscal Officer of the State as provided in this Act on June 30, ~~2003~~ 2005, to be carried forward and made available for expenditures for the same purpose for the fiscal years ending June 30, ~~2004~~ 2006, and June 30, ~~2005~~ 2007. It is the intent of the ~~84th~~ 85th General Assembly that the Department of Health shall not have the authority to transfer funds from the fund balance of the ~~Home Health~~ In Home Services program appropriation to supplement line item(s) in any other appropriation authorized for this agency. However, fund transfers may be authorized to repay loans provided for ~~Home Health~~ In Home Services program operations.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~HOME HEALTH~~ IN HOME SERVICES POSITION POOL. As need for services increase and additional services are implemented to better provide for the in-home health care needs of the citizens of the State of Arkansas, the Director of the Department of Health may request the Department of Finance and Administration to approve the establishment of additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act. Upon approval of the Legislative Council, the Department of Health - Section of In-Home Services may establish such positions.

(a) The following maximum number of such additional positions are hereby established for the ~~2003-2005~~ 2005-2007 biennium for the Section of In-Home Services:

Maximum number of positions: 250

(b) In the event that new classifications are deemed necessary for any of these additional positions, the Department of Finance and Administration - Office of Personnel Management shall assign the appropriate title and grade after review by the Arkansas Legislative Council.

(c) If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

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The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~HOME HEALTH IN HOME SERVICES~~ ON-CALL AND VISIT PAY. The Department of Health is hereby authorized to compensate the following personnel responsible for providing in-home health care as necessary to maintain continuity of care outside routine working hours on weekdays and on weekends or holidays:

R055 Hlth Public Hlth Nursing Prog Coord

L082 Nursing Services Specialist

L033 Home Health Nurse I

L034 Home Health Nurse II

L138 Speech Pathologist I

L140 Speech Pathologist II

L142 Speech Pathologist Supervisor

L102 Physical Therapist I

L104 Physical Therapist II

L106 Physical Therapy Supervisor

M086 Social Worker I

M088 Social Worker II

L086 Occupational Therapist I

L088 Occupational Therapist II

L090 Occupational Therapist Supervisor

R056 Hlth. Pub. Hlth. Nursing Program Administrator

L115 LPN II

L116 LPN III

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EXECUTIVE RECOMMENDATION

L154 Public Hlth. Nurse I
L156 Public Hlth. Nurse II
L021 PH Technician II
L155 PH Technician I

Visit pay shall not exceed \$55 per visit. Employees requested to be on-call and/or on standby for visiting on nights, weekends, and/or holidays will be eligible to receive on-call pay not to exceed \$40 per day. Provided however, no compensation shall be paid to any employee required to be on-call and/or standby who fails to respond after the second notification that their services are needed. In the event of equipment or paging device malfunction, such penalty shall not apply. All compensated services shall be provided as directed by the Department of Health. All visit and on-call pay shall be paid from funds from In-Home Services ~~Extra Salaries as appropriated~~ appropriation in this Act. Such compensation for visit and on-call pay, when added to the employee's regular salary and benefits, shall not be construed as exceeding the maximum annual salary as described in the General Accounting and Budgetary Procedures Act.

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EXECUTIVE RECOMMENDATION

NUCLEAR DISASTER PLANNING GRANTS. The funds appropriated for Grants for Nuclear Planning shall be disbursed to those counties in this State which are required by state or federal regulation to maintain a Radiological Response Plan because of their close proximity to a nuclear electricity generating facility, and shall be issued solely for the purpose of defraying the cost of preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster exercises. Each county shall be eligible for that proportion of these funds as is determined fair and necessary under guidelines to be developed by the Department of Health. However, a minimum of \$5,000 per county of said funds shall be utilized to support and operate a County Emergency Management Services Office (~~ESO~~). These county offices shall be prepared to respond to any Arkansas Nuclear I emergency. These funds shall be equally distributed to each Emergency Management Services Office in the following counties: Pope County, Johnson County, Yell County, Conway County and Logan County.

The funds appropriated for Grants for Nuclear Planning shall be distributed in quarterly installments by the Arkansas Department of Health to the Arkansas Department of Emergency Management for the sole purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster emergency exercises involving nuclear electricity generating facilities in this State.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

BREAST CANCER CONTROL. Such Breast Cancer Control appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium, as determined by the Director of the Department of Health, may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Any unexpended funds collected under A.C.A. 17-80-106 (pharmacy services and drug control) as certified by the Chief Fiscal Officer of the State which remain at the end of the fiscal year, shall be carried forward and made available for the same purposes for the following fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

HEALTH FACILITY SERVICES CARRY FORWARD. Such Health Facility Services appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium, as determined by the Director of the Department of Health, may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~USE OF FUNDS. A majority of moneys received from the funds provided herein for Unwed Birth/Abstinence Program shall be used for grants to local communities. Legislative oversight of program activities will be provided by the House and Senate Public Health, Welfare, and Labor Subcommittees.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

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EXECUTIVE RECOMMENDATION

~~COMMUNITY ALCOHOL SAFETY CARRY FORWARD. Such Community Alcohol Safety appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

Request deletion due to ADAP transfer by Act 1717 of 2003 Reg. Session.

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EXECUTIVE RECOMMENDATION

PARKING FEES. On July 1 of each year the Department of Health shall pay from ~~the state operations appropriation~~ the Administration Program appropriation provided herein from non-general revenue, the total ~~amount appropriated for~~ War Memorial Stadium Commission Parking Services ~~from~~ Fees to the War Memorial Stadium Commission.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

INFORMATION TECHNOLOGY INITIATIVES. The Department shall not transfer any general revenue funds for expenditures payable for Information System Projects.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~CONTINGENCY APPROPRIATION. Upon approval of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, the Department of Health may transfer appropriation from the Contingency Appropriation line item authorized herein for the Home Health Program to any other line item appropriated herein for the Home Health Program.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

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EXECUTIVE RECOMMENDATION

~~NURSING PAY GRID IMPLEMENTATION. Appropriation and funding authorized in the State Operations appropriation in this Act for implementation of a nursing pay grid to recruit and retain qualified nurses shall be used exclusively for this purpose. All unexpended general revenue funds received by the Department for this purpose shall be recovered at the end of each fiscal year as provided by law.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

Request deletion of language.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND BALANCES - HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION FUND OR DEPARTMENT OF HEALTH PLUMBERS LICENSING FUND. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Heating, Ventilation, Air Conditioning and Refrigeration Fund to decline below ~~nine hundred eighty six thousand three hundred thirty~~ seven hundred fifty thousand dollars ~~(\$986,330)~~ (\$750,000) or the Department of Health Plumbers Licensing Fund to decline below one hundred ~~thirty two~~ thousand ~~two hundred and four~~ dollars ~~(\$132,204)~~ (\$100,000), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

- 1) a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.
- 2) information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.
- 3) the extent to which any of the planned

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expenditures are for one-time costs or one-time purchase of capitalized items.

4) a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.

(B) The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~PERFORMANCE MEASURES. The following measures shall be used as a basis for determining the Legislative Intent for the appropriations provided by this act:~~

~~PERFORMANCE MEASURES~~ ~~2003-2004~~ ~~2004-2005~~
~~2005-2006~~ ~~2006-2007~~

~~(01) Percentage of cancer cases~~

~~collected from hospitals, outpatient~~

~~clinics, specialty clinics (dermatology,~~

~~urology, oncology, etc), nursing homes,~~

~~hospice and doctors offices within~~

~~required time frames. (North American~~

~~Association for Central Cancer Registries~~

~~Standard Is 95% of cases collected annually.) 95 95~~

~~(02) Number of "not met" scores as specified by~~

~~the National Center for Health Statistics with~~

~~regards to vital statistics data. < or = 4 < or = 4~~

~~(03) Dollar amount of grants awarded~~

~~for public health facilities. \$600,000 \$600,000~~

~~(04) Dollar amount of grants awarded~~

~~for rural communities. \$450,000 \$450,000~~

~~(05) Percentage of food, beverage and~~

~~dairy establishments inspected as~~

~~prescribed by Health Department~~

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regulations.	90	90
(06) Percentage of engineering plans		
reviewed timely.	90	90
(07) Percentage of municipal plumbing		
inspectors in compliance with annual		
inspector continuing education		
certification and re-certification.	75	80
(08) Percentage of municipal heating and air		
conditioning inspectors in compliance		
with annual inspector continuing education		
certification and re-certification.	75	80
(09) Percentage of all Public Water Systems		
that are compliant with the National		
Primary Drinking Water Regulations or		
have received an enforcement action.	97	97
(10) Number of licenses and re-licenses issued		
to Ambulance Services.	> or = 180	> or = 180
(11) Percentage of facilities surveyed as		
required by State policy and Federal		
requirements.	100	100
(12) Percentage of personnel trained and		
certified to operate a breath testing		
instrument vs. the number requested.	95	95
(13) Percentage of tests completed on viable		

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— environmental / clinical samples received		
— by the public health labs.	93	93
(14) Number of annual Statewide average		
— Home Health visits per nurse, per day.	3.5	3.5
(15) Average number of Personal Care service		
— hours supervised weekly by each nurse.	450	450
(16) Number of annual statewide average		
— Home Care visits per nurse per day.	3.5	3.5
(17) Average number of Case Management		
— service units provided monthly by each		
— nurse.	450	450
(18) Number of prevention events conducted		
— on problems of Alcohol and Other Drugs.	442	447
(19) Number of persons receiving treatment		
— services through publicly funded		
— providers.	10,000	10,000
(20) Percentage of clients who complete		
— treatment programs through publicly		
— funded providers.	61	61
(21) Percentage of Agency performance		
— measures met	78	80
(22) Percentage of Agency staff in the		
— Administration Program compared to		
— total agency positions.	9	9

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(23) Agency Information Technology budget		
—— as a percent of total agency budget.	2	2
(24) Percentage of computer up time.	95	95
(25) Percent of Three Tier System		
—— Information Technology Initiative		
—— milestones accomplished as scheduled.	87	100
(26) Number of core applications maintained.	8	8
(27) Number of prior year audit findings		
—— repeated in subsequent audit.	2	2
(28) Percentage of counties that have tobacco		
—— prevention, cessation and/or education		
—— projects funded through state and/or		
—— Federal tobacco funds.	25	30
(29) Percentage of Tobacco Retailers Inspected		
—— for sales to minors(<18) compliance annually.		
—— Note: Approximately 5,500 retailers.		
—— Currently, there is no baseline. Percentages		
—— are approximate.	20	30
(30) Percentage of failed attempts to purchase		
—— tobacco products by persons under the		
—— age of 18.	75	75
(31) Administrative costs as a percent of total		
—— program costs for the Tobacco Prevention		
—— and Cessation Programs.	4	4

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(32) Percent of adults who smoke.	23.2	22.7
(33) Percent of high school students who report to be smoke free for the past 30 days.	66.6	
(34) Number of women aged 40-64 at, or below, 200% of the Federal Poverty Level receiving screening, diagnosis or treatment for breast and cervical cancer.	15,000	18,000
(35) Percentage of breast cancers identified in Stages 1 & 2 among program women.	66	67
(36) Publish a Biennial report on Cardiovascular Disease in Arkansas.	1	
(37) Publish a Biennial report on Diabetes in Arkansas.	1	
(38) Number of Community Based Organizations receiving abstinence and unwed birth prevention grants.	30	30
(39) Percentage of students in Abstinence Only Education Programs who successfully complete or remain enrolled in an abstinence only education program.	70	70
(40) Percentage of youth served on an on-going basis by an Unwed Birth Prevention activity.	60	60
(41) Percentage of Federal food funds used by		

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— women, infants, and children special nutrition		
— programs to provide services to eligible		
— Arkansas clients.	> or = 97	> or = 97
(42) Percentage of average monthly WIC		
— caseload goal met.	98	98
(43) Percentage of newborns screened for		
— hearing impairment before hospital discharge.	91	92
(44) Percentage of newborns receiving at least		
— one screening for genetic risk factors.	98	98
(45) Average monthly number of maternity visits		
— to local health units.	3,000	3,000
(46) Average monthly number of family planning		
— visits to local health units.	13,000	13,000
(47) Percentage of 2 year old children seen		
— in the Arkansas Department of Health's		
— Local Health Units who are age		
— appropriately immunized.	87	88
(48) Percentage of HIV cases reported to ADH		
— for which follow up is initiated.	95	95
(49) Percentage of Federally defined HHS Critical		
— Benchmarks for Bioterrorism Preparedness		
— Planning which are met.	89	90
(50) Administrative costs as a percentage of		
— total program costs in Community Health		

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~~—— Promotion and Prevention.—— 8.5—— 8.5~~
~~—— The provisions of this section shall be in effect only from July 1,~~
~~2003 2005 through June 30, 2005 2007.~~

Request deletion of special language; these will be included in our
appropriation act for the upcoming biennium.

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. TOBACCO PREVENTION AND CESSATION. Such Tobacco Prevention and Cessation Program appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522 or the provisions of Arkansas code 6-62-104, but only as provided by this act.~~
~~——— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.~~

~~———The General Assembly has determined that the agency in this act~~

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

POSITIONS. TOBACCO PREVENTION AND CESSATION PROGRAM. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADVERTISING. TOBACCO PREVENTION AND CESSATION PROGRAM. No advertising targeting the prevention or reduction of tobacco use shall include the name, voice, or likeness of any elected official or their immediate family.

The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COMPLIANCE WITH OTHER LAWS. TOBACCO PREVENTION AND CESSATION PROGRAM. Disbursement of funds authorized by this act for the Tobacco Prevention and Cessation Program shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#: 61-1SS

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LEGISLATIVE INTENT. TOBACCO PREVENTION AND CESSATION PROGRAM. It is the intent of the General Assembly that any funds disbursed under the authority of the Tobacco Prevention and Cessation Program appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0645 Health Department

ACT#:

SECTION#: NEW

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INDIRECT COST ALLOCATION FUND TRANSFERS. Subject to such procedures as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is hereby authorized to transfer funds to the Public Health Fund from other program funds of the agency in order to reimburse the Administration program for expenditures incurred for those programs.

The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.

AGENCY REQUEST